

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARRINGTON JOSEPH,

Petitioner,

v.

SCI-ROCKVIEW SUPERINTENDENT
MARK GARMAN, et al.,

Respondents.

CIVIL ACTION

NO. 18-2202

ORDER

AND NOW, this 22nd day of May 2023, upon consideration of Petitioner Carrington Joseph's Motion for Relief from Judgment Pursuant to Rule 60(b) (ECF 61) and Respondents' Opposition (ECF 64), it is hereby **ORDERED** that:

1. The Motion is **DENIED** for lack of subject matter jurisdiction without prejudice to Joseph's right to file with the United States Court of Appeals for the Third Circuit an application to file a second or successive habeas petition. *See 28 U.S.C. § 2244(b)(3)(A).*
2. A Certificate of Appealability is **DENIED** pursuant to 28 U.S.C. § 2253(c) because reasonable jurists would not debate the propriety of the Court's procedural ruling with respect to these claims. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.